**An Act To Ensure Legislative Review of Rules for Maine's Medical Use of Marijuana Act**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** Public Law 2021, chapter 387 requires the Department of Administrative and Financial Services’ office of marijuana policy to adopt major substantive rules relating to the Maine Medical Use of Marijuana Act; and

**Whereas,** any rules adopted by the department will have significant effects on Maine's medical marijuana patients and thousands of registered medical marijuana caregivers and associated businesses across the State; and

**Whereas,** this warrants meaningful legislative oversight and approval; and

**Whereas,** the department has authority to adopt rules prior to the expiration of the 90-day period; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec.** **1. 22 MRSA §2422-A, sub-§2,** as amended by PL 2021, c. 387, §1, is further amended to read:

**2.** **Rulemaking.**  The department, after consultation with the Department of Health and Human Services, may adopt rules as necessary to administer and enforce this chapter or amend rules previously adopted pursuant to this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2‑A, except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2‑A. Notwithstanding Title 5, section 8072, subsection 11 or any other provision of law to the contrary, rules provisionally adopted by the department in accordance with this subsection and submitted for legislative review may not be finally adopted by the department unless legislation authorizing final adoption of those rules is enacted into law. Before adopting rules pursuant to this subsection, the department shall consult with caregivers, registered caregivers, patients and medical providers with significant knowledge and experience certifying patients under this chapter. The department shall develop a process to use when hiring consultants to advise on rule changes related to this chapter and shall report any subsequent changes to that process to the joint standing committee of the Legislature having jurisdiction over medical use of marijuana matters.

**Sec.** **2. 22 MRSA §2424, sub-§1-A,** as amended by PL 2021, c. 387, §6, is further amended to read:

**1-A.** **Rulemaking.**  The department may adopt rules to carry out the purposes of this chapter in accordance with section 2422-A, subsection 2. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2‑A, except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2‑A.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

**SUMMARY**

This bill requires that, notwithstanding the Maine Revised Statutes, Title 5, section 8072, subsection 11 or any other provision of law to the contrary, major substantive rules that are provisionally adopted by the Department of Administrative and Financial Services, office of marijuana policy relating to the Maine Medical Use of Marijuana Act and submitted for legislative review may not be finally adopted by the department unless legislation authorizing final adoption of those rules is enacted into law.